

Restriction Requirement

The Office Action asserts that the application contains the following groups of inventions:

Group I Claims 1-6, 10-13, 15-16, allegedly drawn to a composite porous membrane comprising an organic porous membrane and porous support.

Group II Claims 7 and 8, allegedly drawn to a process of making a composite porous membrane.

Group III Claims 9 and 14, allegedly drawn to a process of using the composite porous membrane.

Election

In response to the Restriction Requirement, Applicants elect *with traverse* the invention set forth in Group I, claims 1-6, 10-13, and 15-16. Applicants note that the present application is a National Stage application submitted under 35 U.S.C. § 371, and thus, Unity of Invention practice governs the issuance of any Restriction Requirement.

Applicants' traversal is based upon the fact that Group I shares a common special technical feature, at least with respect to Group II, but also with respect to Group III.

All of the aforementioned groups recite a "composite porous membrane" and are directly or indirectly dependent on claim 1. Thus, the special technical feature for Group II and Group III is (at least) the composite porous membrane of Group I.

Applicants respectfully remind the Office that the PCT Unity of Invention Rules are intended to allow the Patent Office to group claims together based upon common technical features. The Rules essentially state that, as a means for determining what a "special technical feature" may be, an Examiner may consider those features that distinguish the claims from the prior art. Those claims that share this common feature should be grouped together for purposes

of examination. Applicants respectfully note that, regardless of whether the Patent Office makes an initial determination that a particular *shared* feature is present in the prior art, claims sharing that feature should still be grouped together for examination.


The PCT Unity of Invention Rules do not authorize the Patent Office to make an initial determination of novelty, and then, upon an unchallenged conclusion that novelty is not present, divide the claims into groups according to U.S. restriction practice. Such action twists the PCT Unity of Invention Rules and results only in delays in prosecution. In the Restriction Requirement, the Office states that Groups I-III “do not relate to a single general inventive concept under PCT Rule 13.1 because...US PGPub 2003/0150808, MORIKAWA et al. [] discloses a similar special technical feature. The special feature disclosed as a composite porous membrane (Abstract) comprising a porous support and organic polymer porous membrane that penetrates the porous support...” (Office Action, page 2).

Applicants respectfully submit that the Office’s conclusion relating to a lack of unity of invention is based solely on the assumption that the claims lack novelty and ignores the fact that the above-noted claims *share* the same special technical feature.

Applicants respectfully request that the Office reconsider the requirement for restriction, and withdraw the restriction requirement and consider Groups II and III with elected Group I.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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